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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,192	02/19/2004	Horst Bohm	60130-2031;03MRA0129/165	4102

26096 7590 08/16/2005

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EXAMINER

PATEL, KIRAN B

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/782,192

Applicant(s)

BOHM ET AL.

Examiner

Kiran B. Patel

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-22 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) 21 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-20 and 24-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

Final Rejection (8/11/05)

### **Claim Rejections - 35 USC § 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 12, as best understood, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 is confusing and are not clear because claimed limitations, a sun visor that is fitted to the front crossbar such that the sun visor can be folded downward, are not shown in the figures and/or lacks support in the specification and therefore fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These limitations must be shown or the feature(s) canceled from the claim(s).

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject-matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-10, 19-20, 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaFrance (6,227,601) in view of Schlecht et al. (6,776,211).

Regarding claims 1-4, 6-10, 19-20, 24-26, LaFrance (6,227,601) discloses the invention as claimed to include first 133 and second 142 guide rails; a front crossbar 64 and a rear crossbar 64 that extend between the first and second guide rails and are guided in the first and second guide rails; and a sunshade that is fastened to the front and rear crossbar, wherein the sunshade is guided between the first and second guide rails; wherein the first and second guide rails extend in an inclined relationship Fig 1 with respect to each other; wherein the sunshade is elastic at substantially right angles to a shifting direction dictated by the first and second guide rails; wherein the sunshade is entirely made of an elastic material; wherein at least one of the front crossbar and the rear crossbar is a telescopic member; wherein at least one of the front crossbar and the rear crossbar has first 38 and second 63 laterally protruding guide arms that are

received in the at least one of the front cross bar and the rear crossbar for sliding movement therein, wherein the first laterally protruding guide arm is received in the first guide rail and the second laterally protruding guide arm is received in the second guide rail; wherein the first and second laterally protruding guide arms are mechanically coupled Fig 9 to each other and to the at least one of the front crossbar and the rear crossbar so that the at least one of the front crossbar and the rear crossbar is centered in a middle area between the first and second guide rails; further comprising first 36 and second 61 sliders fitted in at least one of the front crossbar and rear crossbar and received in the first and second guide rails, respectively, for sliding movement therein;

However, LaFrance (6,227,601) does not disclose a flexible sunshade; a centering gear.

Schlecht et al. (6,776,211) disclose a flexible sunshade 14; a centering gear 47.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention, as disclosed by LaFrance (6,227,601), to include a flexible sunshade, a centering gear, as disclosed by Schlecht et al. (6,776,211), to provide a tight fitting sunshade.

3. Claims 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaFrance (6,227,601) in view of De Gaillard (6,634,703).

Regarding claims 11, LaFrance (6,227,601) as applied to claim 1, discloses the invention as claimed.

However, LaFrance (6,227,601) does not disclose a handle.

De Gaillard (6,634,703) discloses a handle 19.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention, as disclosed by LaFrance (6,227,601), to include a handle, as disclosed by De Gaillard (6,634,703), to allow manual adjustment of the sunshade.

4. Claims 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaFrance (6,227,601) and in view of German (DE19619474).

Regarding claim 13-18, LaFrance (6,227,601) as applied to claim 1, discloses the invention as claimed.

However, LaFrance (6,227,601) does not disclose push-pull spacer cables, a coupling gear, and a drive motor.

German (DE19619474) discloses push-pull spacer cables 11, a coupling gear, and a drive motor.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention, as disclosed by LaFrance (6,227,601), to include push-pull spacer cables, a coupling gear, and a drive motor, as disclosed by German (DE19619474) to facilitate the movement of front and rear crossbars can only be shifted jointly and in parallel.

### **Response to Arguments**

5. Applicant's arguments with respect to elected claim have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


8. Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Kiran B. Patel whose telephone number is 571-272-6665. The examiner can normally be reached on M-F from 8:00 to 5:00. The



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fax phone number for the organization where this application or proceeding is  
assigned is (571) 273-8300.

  
Kiran B. Patel, P.E.  
Primary Examiner  
Art Unit 3612  
August 11, 2005